



ORIGINAL
(Red)

POLREP 01
D.C. Convention Center Site
801 M Street, NW
Washington, D.C. 20001

Attn: RRC, C. Kleeman, J. Hargett (3HS33), P. Larkin (DCARP01), K. Melvin (R3HWMD),
P. Boyle (3CG20)

EVENT: Site Assessment

I. SITUATION (as of 2 February 1999)

- A. On December 15, 1998, Regional Administrator (RA) W. Michael McCabe received a letter of complaint from a citizen residing in the Shaw neighborhood in Washington, D.C. The citizen described an episode of unpermitted dumping of potentially hazardous material that had taken place at the future site of the Washington, D.C. Convention Center, on a parcel of land bounded by 7th Street, 8th Street, M Street, and N Street. Enclosed with the letter were documents obtained through a Freedom of Information Act (FOIA) request; these documents showed that over 30 truck loads of construction debris were dumped in July 1998 on the property and that soil samples taken by a contractor for the owner of the property, the D.C. Convention Center Authority (DCCA), showed that the debris contained hazardous substances including lead, mercury, cadmium, chromium, barium, and arsenic. The citizen asked that EPA investigate the incident. In addition, a copy of the letter was sent by the citizen to EPA's Criminal Investigation Division (CID).
- B. The information provided by the citizen included an analysis of the debris as determined by the DCCA contractor who sampled the material on November 18, 1998. (The contractor divided the dumped material into five areas and sampled each for a number of contaminants.) The analysis indicated the presence of low levels of semi-volatiles (0 to 2 ppm), possible acetone (150 to 270 ppm) and methylene chloride (38 to 80 ppm), arsenic (< 49 ppm), selenium (< 49 ppm), cadmium (1.8 to 2.4 ppm), chromium (15 to 33 ppm), mercury (210 to 650 ppm), silver (< 0.90 to 0.98 ppm), lead (73 to 940 ppm), and barium (78 to 310 ppm). The contractor stated in their letter to the DCCA that "Concentrations of mercury and lead in these [samples] appear to be well in excess of background levels.... These concentrations could cause this soil to fail a TCLP leachate test, qualifying the waste as hazardous." The contractor collected additional samples on December 4, 1998, to determine whether the soils would be considered as hazardous waste subject to the Land Disposal Restrictions (LDR) as defined by the Resource Conservation and Recovery Act (RCRA). The conclusion that the contractor drew from these samples was that the subject soils were not considered as hazardous waste under RCRA. However, the contractor did find levels of total petroleum hydrocarbons (oily waste) that led them to characterize the soils as

petroleum-contaminated.

- C. In July 1998 Inspector Thomas Day of the D.C. Department of Public Works (DPW) observed dumping by Grade-A Excavating, Inc., at the location. Grade-A was given 26 notices of violation for illegal dumping. On November 19, 1998, the DPW Bureau of Adjudication held a hearing in which the facts of the case were discussed; according to the notes of the meeting, Mr. Art Lawson, DPW Deputy Director, testified that the fines resulting from the notices of violation would be removed if the debris were removed by Grade-A. However, as of the date of this meeting, the debris remained where it had been dumped.
- D. None of the levels of contamination identified by the DCCA contractor would typically trigger a Removal action under Superfund at an industrial/commercial property; however, given the citizen's allegations, the OSC concluded that the site was worthy of further assessment as a potential threat to human health or the environment.
- E. The site visit was arranged by telephone with (b) (4) the contractor overseeing and managing the various DCCA contractors assembled for the effort. (b) (4) granted access to EPA to assess the site and to collect soil samples if desired. However, (b) (4) stated that Grade-A had, in fact, removed the dumped material. The OSC sought to determine whether any of the contaminants in the dumped material had leached into the remaining soil. The site visit was scheduled to take place on January 11, 1999.
- F. The OSC was contacted by V. Sree'nivas, Division Chief, Bureau of Hazardous Material & Toxic Substances, Underground Storage Tank (UST) Division, District of Columbia Environmental Health Administration (DCEHA) on January 8, 1999. (Dr. Sree'nivas is coordinating the DCEHA's efforts to ensure that the DCCA construction project complies with all applicable DC and Federal environmental regulations.) Dr. Sree'nivas indicated that he had been working with the DCCA and provided additional information on the properties underlying the unpermitted dumping. The site was formerly several lots, including several gas stations and similar industrial properties. A total of 33 historic underground storage tanks (several of which had been determined to be leaking) are located on the properties comprising the future DC Convention Center site. The DCCA has developed and submitted to the DCEHA an environmental assessment of the site as a whole. Dr. Sree'nivas indicated that he had spoken with (b) (4) and would like to accompany the OSC on the site visit.
- G. Other EPA investigators provided further information to the OSC and participated in the assessment.
- H. On the day of the site visit, the weather was clear and sunny, with a temperature

of approximately 35 degrees Fahrenheit. However, the temperature had been below freezing and wet for several days prior to the site assessment, and much of the soil on the site was found to be deep-frozen.

II. ACTIONS

- A. The OSC drafted a response from the RA to the citizen and coordinated with Rebecca Hanmer, the District of Columbia Liaison Officer for EPA Region III, to ensure that she was aware of the planned visit and to ascertain whether she had any additional information regarding activities at the site. The OSC also coordinated with the EPA Region III Site Assessment and Removal Enforcement Programs.
- B. The OSC met with Dr. Sree'nivas on January 11, 1999, prior to conducting the site visit. Dr. Sree'nivas shared numerous documents with the OSC and discussed requirements that DCEHA has placed upon DCCA, including a Corrective Action Plan that addresses the contamination and is protective of both human health and the environment. Dr. Sree'nivas indicated that the plan, once submitted, will be reviewed by the DCEHA and noted that the environmental assessment submitted by the DCCA had shown no hazardous substances, although a number of petroleum compounds and derivatives (as expected given the numerous leaking USTs on the site) had been found. All contamination that was detected, however, would be addressed during excavation.
- C. EPA's Site Assessment Technical Assistance (SATA) contractor was present to assist in the assessment and to collect samples, if necessary. (b) (4) was offered and declined split samples.
- D. The DCCA property of interest is an unsecured parcel within the limits of DC approximately 300 ft. x 150 ft (1.03 acres). The parcel had been rough leveled to the existing curb grade. The property was located in a primarily commercial area, with a church across the street and a temporary housing complex of some sort adjoining the property on the east side.
- E. According to (b) (4), the DCCA's interest in resolving the unpermitted dumping incident was to ensure that the materials were removed as soon as possible, as excavation of the soil below-grade could not begin until the soil was removed. The DCCA and DPW agreed to Grade-A's request that the tickets be removed if the dumped material were removed, and Grade-A disposed of the soils and returned the site to its initial grade. Grade-A performed treatment and disposal (T&D) analysis of the dumped material and disposed of it as non-hazardous waste in area municipal landfills. (b) (4) provided the OSC with copies of documentation of the correspondence among Grade-A, the DCCA, and the DPW regarding the dumping incidents, the removal of the material, and the removal of the tickets.

- F. The OSC and Special Agent Larkin also spoke with (b) (4) of Horne Engineering Services, Inc., the DCCA contractor that performed DCCA's sampling of the material. The contractors indicated that two sets of samples of the dumped material were collected because the first set of surface samples might not have been representative of the full depth of the material. The DCCA contractor's second sampling of the dumped material indicated that it did not meet the definition of hazardous waste under RCRA; the first set of samples was not tested for RCRA characteristics.
- G. The OSC was informed that the DCCA and its contractors believe that much of the initial soil comprising the site is also contaminated with potentially hazardous substances. (b) (4) indicated that T&D sampling would be performed on the soils throughout the site as they were excavated to ensure that they were disposed of legally, and that measures would be taken to protect workers with the understanding that much of the site was believed to be contaminated.
- H. On January 19, 1999, the OSC contacted Dr. Sree'nivas to request an opportunity to review the DCCA corrective action plan to be submitted to the DCEHA prior to commencement of excavation activities. Dr. Sree'nivas concurred and indicated that he would await EPA comments before finalizing comment and approval of the plan. He also indicated that the DCEHA expected to receive the plan within the next month.
- I. The OSC also sought and received confirmation from (b) (4) that no major excavation would be initiated at the site of the future DC Convention Center until the corrective action plan had been approved by DCEHA.
- J. The OSC also contacted representatives of EPA Region III's UST Division whom Dr. Sree'nivas mentioned as working on related projects. The UST Division, while working with Dr. Sree'nivas on related policy issues, indicated that they have no interest in the DC Convention Center construction site at this time.
- K. The OSC does not believe that this site warrants sampling. While the illegal dumping clearly did occur, the site has since been remediated. The OSC found no evidence of an immediate threat to public health or the environment from the site. DCEHA and the DCCA are taking appropriate steps to address site contamination, and the DCCA has confirmed that excavation will be conducted with proper worker protection, dust control, and disposal efforts pursuant to its condition as a contaminated site. The DCEHA is monitoring site activities and has regulatory control over the planned construction and remediation of the site.
- L. The OSC sent a letter to Dr. Sree'nivas on January 25, 1999, reiterating her expectation that she will be provided a copy of the DCCA corrective action plan by the DCEHA for EPA review and concurrence. Finally, the OSC also

communicated her plans to the EPA CID representative assigned to the case.

III. FUTURE ACTIONS

- A. The OSC is awaiting the corrective action plan, which the OSC will review to ensure that off-site migration of contaminants is minimized and monitored during excavation.
- B. The OSC also plans to contact the resident who submitted the complaint and discuss the Removal Response Program's findings and future plans for the site.
- C. No further site assessment is planned.

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